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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,887

07/03/2003

Toshihiro Shima

MIPFP037

7007

25920

7590

09/24/2007

MARTINE PENILLA & GENCARELLA, LLP

710 LAKEWAY DRIVE

SUITE 200

SUNNYVALE, CA 94085

EXAMINER

HIGA, BRENDAN Y

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,887

Applicant(s)

SHIMA ET AL.

Examiner

Brendan Y. Higa

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on July 16, 2007.

Claims 1-3 and 5-9 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagiri (US 6606669) in view of Wittel, JR. et al. (US 2003/0195951), hereafter "Wittel":

As per claim 1 and 9, Nakagiri teaches a device (Fig. 1, ref. 1500) comprising: a communication unit (see "bidirectional interface", Fig. 1, ref. 21) configured to communicate with a client (see Fig. 1, ref. 3000) via said network (LAN, see col. 3, line 4); an identification unit configured to input OS information representing an operating system installed in said client to identify a type of said operating system used in said client (see Fig. 4, ref. S41); a search unit configured to search a storage location of device control software ("printer driver", col. 6, lines 6-8), which corresponds to said

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identified type of said operating system and controls said device ("printer driver", see col. 1, lines 13-44), from a database in which specifications of operating systems and storage locations of device control software are recorded in association with each other (see col. 5, lines 15-22); and an information unit configured to inform said client of said searched storage location of said device control software (see col. 6, lines 10-14).

Nakagiri does expressly teach said database is stored on a network in a predetermined server connected to said device.

However, in the same art of network peripheral driver installing, Wittel, teaches a predetermined server over a network connection ("update server", see Fig. 2, [0045]).

The predetermined sever being configured to receive client computing device specification information (see [0046]), including a description of operating system the client computer is running (see [0049]); detect any suitable drivers or updates thereto [0046]; and provides an external URL network address for acquiring the desired driver information (see [0046]).

One of skill in the art would have been motivated to modify the teachings of Nakagiri with the teachings of Wittel, for storing the database on a predetermined server, in order to enable the automated detection of available drivers without the need for static based catalogs and to provide dynamic, online support for driver detection and installation (see Wittel, [0010]).

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Claims 2, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagiri (US 6606669) in view of Wittel, (US 2003/0195951), in further view of Schacht et al. (US 6959437), hereafter referred to as Schacht.

As per claims 2 and 3, Nakagiri and Wittel teaches the invention substantially as claimed as noted above. Nakagiri, does not expressly teach said communication unit communicates based on HTTP wherein said OS information is described as environment variable in a HTTP request sent from said client, and said information unit generates and sends to said client a markup language file including a link to the storage location of said device control software.

However, in the same art of network peripheral driver installing, Schacht teaches a printer including an embedded web server, which serves a webpage to a computer workstation having embedded hyperlinks, which allows a user to select and download a print driver for establishing a connection with the network printer (see col. 4, lines 44-63).

As per claims 2 and 3, although Schacht is silent on the accessing of the web server comprising a HTTP request and wherein said OS information is describe as an environment variable in the HTTP request, Schacht teaches accessing the web server of the printer using a web browser at the client (see col. 5, lines 31-41), which inherently requires the use of Hyper Text Transfer Protocol (HTTP).

One of skill in the art would have been motivated to combine the teachings of Nakagiri with the teachings of Schacht in order to allow a user to install driver software on a

computer workstation by merely addressing a network-connected printer (see col. 1, lines 60-62).

As per claim 5, the combination of Nakagiri, Wittel and Schacht teaches the invention substantially as claimed as noted above. Furthermore, Wittel teaches, wherein said storage locations in said database are also recorded in association with model information of devices, and said search unit uses the model information of said device and said identified type of said operating system to search the storage location of said device control software (see [0049]).

The same motivation that was utilized for combining Nakagiri and Wittel in claim 1 applies equally well to claim 5.

As per claim 6, the combination of Nakagiri, Wittel and Schacht teaches the invention substantially as claimed as noted above. Furthermore, Wittel teaches wherein said database is described in XML (see [0042]).

The same motivation that was utilized for combining Nakagiri and Wittel in claim 1 applies equally well to claim 6.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable Schacht (US 6959437) in view of Wittel (US 2003/0195951).

As per claim 7, Schacht teaches a device (printer or MFP) used in connection with a network (see Fig. 2), said device comprising: a storage unit configured to store an URL (hyperlink on the printer's embedded webpage, see col. 4, lines 54-63) for download

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corresponding to a Web page which provides device control software to control said device on The Internet (see col. 4, lines 54-63); a HTTP communication unit (Fig. 3, ref. 300) configured to generate a markup language file including a link to said URL for download (hyperlink on the printer's embedded webpage) and to send said markup language file back to a client through a HTTP response in response to a HTTP request from said client (see col. 5, lines 28-41).

Schacht does not expressly teach the hyperlink (see col. 4, lines 54-63) pointing to an external server (read as an external URL).

However, in the same art as noted above, Wittel teaches a storage unit for storing external URL's, (see [0011] and [0046], wherein the URL points to remote content server 202) wherein a user requesting driver specific software can select one of the external URL and retrieve the desired software from a remote content server (see [0046]).

One of skill in the art would have been motivated to modify the teachings of Schacht with the teachings of Wittel, for providing the driver software from a remote content server, in order to enable the automated detection of available drivers without the need to first download the driver software to the printing device of Schacht's invention.

As per claim 8, Schacht in view of Wittel further teaches wherein said storage unit stores an URL for update corresponding to a Web page which provides update information to update said external URL for download (Schacht: see external server/web server Fig. 2, ref. 208, col. 6, lines 39-45), and said device further

comprising: an update unit configured to acquire said update information from said Web page based on said external URL for update and to utilize said update information to update said external URL for download (Schacht: see col. 6, lines 39-45).

The same motivation that was utilized for combining Schacht and Wittel in claim 7 applies equally well to claim 8.

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

However, with respect to the applicant's characterization of the secondary reference, the examiner respectfully disagrees.

Whittel does not teach the update server as being "a device", according to the applicant's specification a device includes one of the following: image input-output devices, such as printers, network displays, scanners and digital cameras (see [0006]). Although the examiner does not read limitations from the specification into the claim the examiner is not relying on the update server for teaching this limitation.

Whittel teaches a plethora of hardware and software components that originate from a wide variety of manufactures, which are in direct communication with the client computer (see [0004]). Rather than being one of the hardware or software components attached to the client computer (i.e a "device"), the update server is an online service that allows for the aggregation of drivers from multiple manufacturers and vendors to a single site (see [0026]), the update server receives client computing device specification

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information (see [0046]), including a description of operating system the client computer is running (see [0049]); detect any suitable drivers or updates thereto [0046]; and provides an external URL network address for acquiring the desired driver information (see [0046]).

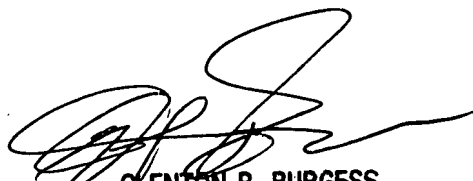
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BYH


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